

IN RE: PETITION FOR VARIANCE
SW/S Reisterstown Road at NW/S
intersection w/Sherwood Avenue
(1000 & 1/2 Reisterstown Road)
3rd Election District
2nd Councilmanic District
Paul Goodman
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-137-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Paul Goodman. The Petitioner seeks relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 off-street parking spaces in lieu of the required 22 spaces and to amend the previously approved site plan in Case No. 88-229-A accordingly, for a proposed restaurant/bar expansion, in accordance with Petitioner's Exhibit 5.

Appearing on behalf of the Petition were Jeff Goodman, son of the Petitioner and owner, Paul Goodman, Donald Gorman, proprietor of Puffins Restaurant, Lessee of the subject property, Gabriel W. Rosenbush, Jr. on behalf of the Pikesville Chamber of Commerce, George Hale, Director of the Baltimore County Revenue Authority, and David Uhlfelder, President of the Greater Baltimore Cultural Arts Foundation, Inc. The Petitioner was represented by Howard Needle, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 1000 & 1/2 Reisterstown Road, consists of a gross area of 0.029 acres, more or less, zoned B.L.-C.N.S., and is improved with a one-story brick building which is currently vacant. The Petitioner also owns the adjoining property, known as 1000 Reisterstown Road, which is the site of the Puffins Restaurant. That property was the subject of prior Case No. 88-229-A in which

the Petitioner was granted a variance to permit four (4) off-street parking spaces in lieu of the then required 42 spaces for the Puffins Restaurant by Order issued December 18, 1987. The proprietor of Puffins now proposes to expand the restaurant by utilizing the space on the subject property. The proposed 1,360 sq.ft. expansion will provide seating for an additional 50 restaurant/bar patrons. As a result of the proposed expansion, the relief requested is necessary as there will be no on-site parking spaces available once the expansion is completed.

Mr. George Hale, Director of the Baltimore County Revenue Authority, appeared and testified on behalf of the Petitioner. Mr. Hale testified that his office performed an informal study on three of the public parking facilities located within a short distance of the subject site. On the three days this informal study was conducted, none of the three parking facilities studied were filled to capacity. Mr. Hale further testified that the Revenue Authority will lease parking spaces at some locations to private businesses at a cost of \$25 per space, per month. However, he did state that he was not aware of whether any of the three parking facilities in question had space available for rental.

Mr. Donald Gorman, owner and proprietor of the Puffins Restaurant, appeared and testified on behalf of the variance request. Mr. Gorman testified that he has lived in the area for the past 51 years and has operated the Puffins Restaurant from the subject site for the past 6 years. Mr. Gorman testified that the proposed 1,360 sq.ft. expansion will allow him to provide a light fare restaurant and bar area for his customers. He further testified that he only continues to maintain his business at this location due to the anticipated renovation of the Pikes Theatre which is located a short distance away from the subject site and is expected to

bring more business to the area.

Mr. Jeff Goodman testified on behalf of his father, Paul Goodman, owner of the subject property. Mr. Goodman testified that Puffins Restaurant provides a much needed service to this area of Pikesville. He testified that the building is attractive and Puffins is an excellent tenant for this site. Mr. Goodman testified that if the relief requested is not granted, Puffins will be forced to relocate to another location and the existing building will become vacant.

Mr. Gabriel Rosenbush, Chairman of the Zoning Committee for the Pikesville Chamber of Commerce, and Mr. David Uhlfelder, President of the Greater Baltimore Cultural Arts Foundation, Inc., appeared and testified in support of the relief requested. Mr. Rosenbush submitted a letter of support from the Pikesville Chamber of Commerce; however, as is the case in many variance requests, the Chamber has requested that two conditions be placed on the granting of any relief in this instance. I find that the conditions requested by the Chamber to be imposed upon the Petitioner are reasonable and I will include same as restrictions in my Order. In addition, I will provide an avenue for the Chamber, the property owner and tenant to mediate any future problems that might arise as a result of the two conditions being imposed to avoid any unreasonable or unfair burdens.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the ordinance and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of December, 1993 that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County

Zoning Regulations (B.C.Z.R.) to permit 0 off-street parking spaces in lieu of the required 22 spaces and to amend the previously approved site plan in Case No. 88-229-A accordingly, for a proposed restaurant/bar expansion, in accordance with Petitioner's Exhibit 5, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

- 2) In the event the variance granted herein is not utilized within a period of two (2) years from the date of this Order, or, in the event the use proposed should cease and a new and different use is utilized, then the variance granted herein shall cease and the property will revert to its current zoning and applicable parking regulations as approved in prior Case No. 88-229-A.

- 3) In the event that any new parking facilities, public or private, are established within 500 feet of the subject property, for which there is a charge and which are made available to the public during normal business hours, the Petitioner shall negotiate in good faith and subsequently enter into an agreement which is economically feasible to the Petitioner and which will provide either for a lease, a purchase, a validation program or any similar program which may be approved by the Zoning Commissioner, to offset the parking variance for the specific use which is being proposed at this time.

- 4) In the event that the Chamber of Commerce and the Petitioner/Lessee are unable to agree to the terms and conditions of Restrictions 2 and 3 set forth above, then either the Chamber of Commerce or the Property Owner/Lessee shall be permitted to request a special hearing to mediate any problem that they may have in order to comply with the requirements of Restrictions 2 and 3 above.

- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

December 1, 1993

(410) 887-4386

Howard J. Needle, Esquire
11100 Reisterstown Road
Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE
SW/S Reisterstown Road at its intersection w/the NW/S of Sherwood Avenue
(1000 & 1/2 Reisterstown Road)
3rd Election District - 2nd Councilmanic District
Paul Goodman - Petitioner
Case No. 94-137-A

Dear Mr. Needle:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjb

cc: Mr. Gabriel W. Rosenbush, Jr.
Pikesville Chamber of Commerce, 7 Church Lane, Pikesville, Md. 21208

Mr. Donald Gorman
Puffins, Inc., 1000 Reisterstown Road, Pikesville, Md. 21208

People's Counsel

Date

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 1000 1/2 Reisterstown Road
which is presently zoned Commercial (C-2)
This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6.A.2 to permit zero off-street parking spaces in lieu of the required 22 spaces and to amend the site plan of previous Case No. 88-229A.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. Puffins, Inc. currently operates a restaurant in the adjacent property, 1000 Reisterstown Road, and needs space to expand into the subject property with a restaurant/bar.
 2. Two Revenue Authority lots across the street from this site have been provided for the purpose of alleviating parking needs in the area, and grant of this variance will provide usage for those underutilized lots.
- Property is to be posted and advertised as prescribed by Zoning Regulations.
I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

Puffins, Inc.

Signature of Paul Goodman

Signature of Paul Goodman

1000 Reisterstown Road

Pikesville, MD 21208

Attorney for Petitioner

Signature of Howard J. Needle

Signature of Howard J. Needle

11100 Reisterstown Road

Owings Mills, MD 21117

Date

Date

Date

Date

Date

Date

Date

Date

Date

Date

Date

Date

With an attorney's advice and after, under the penalties of perjury, that they are the legal owners of the property which is the subject of this Petition

Legal Owner

Signature of Paul Goodman

Signature of Paul Goodman

1000 Reisterstown Road

Pikesville, MD 21208

Attorney for Petitioner

Signature of Howard J. Needle

Signature of Howard J. Needle

11100 Reisterstown Road

Owings Mills, MD 21117

Date

Date

Date

Date

Date

Date

Date

Date

Date

Date

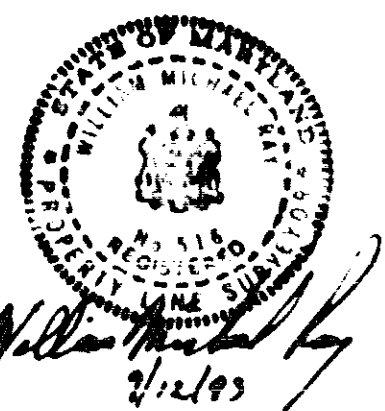
Date

Date

Land Surveyors 94-137-A
P.O. Box 5410 • Towson, Maryland 21205 • (410) 425-8309

ZONING DESCRIPTION

BEGINNING at a point on the Southwest side of Reisterstown Road which is 66 feet wide at the intersection with the Northwest side of Sherwood Avenue which is 50 feet wide. Thence the following courses and distances, viz: Northwest 1/4 binding on the Southwest side of Reisterstown Road 79 feet and 1 inch, thence Southwest 116 feet 6 1/4 inches, thence Southeast 79 feet to intersect the Northwest side of Sherwood Avenue, thence binding on said Northwest side of Sherwood Avenue, Northwest 120 feet to the place of beginning. As recorded among the Land Records of Baltimore County in Liber E.N.K.Jr. 5431 folio 923.



ITEM #181

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District Se2 Date of Posting 10/15/93
Posted for Paul Goodman
Petitioner: Paul Goodman
Location of property: 10004 Reisterstown Rd. N. of R. 21204
Location of Sign: Along driveway on property being zoned
Remarks: No Petition - Filed in window of Building
Posted by Arnold Jablon Date of return: 10/22/93
Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 9-21-93
P. GOODMAN
1002 REISTERSTOWN RD.
PIKESVILLE, MD 21208

Account: R-001-0150
Number 131
R.T.

02D - VARIANCE - \$ 250.00
050 - SIGN - \$ 35.00
TOTAL - \$ 285.00

111 West Chesapeake Avenue
Towson, MD 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 131
Petitioner: Paul Goodman / Puffins Gate
Location: 1002 Reisterstown Rd
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Donald Berumen - Puffins
ADDRESS: 1000 Reisterstown Rd
Pikesville, MD 21208
PHONE NUMBER: 410-881-8811

AJ:ggs

(Revised 04/09/93)

TO: PUFFINS GATE PUBLISHING COMPANY
October 7, 1993 Issue - Jeffersonian

Please forward billing to:

Donald Berumen
Puffins
1000 Reisterstown Road
Pikesville, Maryland 21208
410-881-8811

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-137-A (Item 131)

1002 Reisterstown Road
10004 Reisterstown Road and Sharwood Avenue
3rd Election District - 2nd Councilmanic
Legal Owner(s): Paul Goodman
Contract Purchaser(s): Puffins, Inc.

HEARING: TUESDAY, NOVEMBER 9, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to permit a 4 off-street parking spaces in lieu of the required 27.

LAMARCE E. SCHWYD
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

receipt

Date 10/12/93
Number #131 (RT)

#110 - REVISIONS - \$100.00
(Revised Petition & Plan)

Paul Goodman
10004 Reisterstown Road
District: Se2
Attorney: Howard J. Needle

01A01W080M1CHRC \$100.00
04 C01127AM10-20-93
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

OCT. 4 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-137-A (Item 131)

10004 Reisterstown Road
1000 Reisterstown Road and Sharwood Avenue
3rd Election District - 2nd Councilmanic
Legal Owner(s): Paul Goodman
Contract Purchaser(s): Puffins, Inc.

HEARING: TUESDAY, NOVEMBER 9, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to permit a 4 off-street parking spaces in lieu of the required 27.

Arnold Jablon
Director

cc: Paul Goodman/
Puffins
Howard J. Needle, Esq.

NOTES: (1) ZONING STEPS & FEE MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 29, 1993

Howard J. Needle, Esquire
11100 Reisterstown Road
Owings Mills, Maryland 21117

RE: Case No. 94-137-A, Item No. 131
Petitioner: Paul Goodman, et al
Petition for Variance

Dear Mr. Needle:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 12, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 8, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review Section

RE: Zoning Advisory Committee Meeting
for October 12, 1993
Item No. 131

The Development Plan Review Section has reviewed the subject zoning item. Granting the requested parking variances will impact the neighborhood very negatively; therefore, it is recommended that the request be denied.

RWB:a

SHA Maryland Department of Transportation
State Highway Administration

O. James Lightmeyer
Secretary
Mal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Comestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is


Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2888 Submit the Fax

Writing Address: P.O. Box 717 • Baltimore, MD 21202-0717
Street Address: 100 North Calvert Street • Baltimore, Maryland 21202

Dear Mr. Needle:

In response to your request for information regarding use of the Baltimore County Revenue Authority's Sherwood Avenue and Pikes Theatre lots, the following observations were made this week.

Please feel free to call if I can provide any additional information.

Very truly yours,

 George E. Hale
 Executive Director

GEH/mls1A-064

IN RE: PETITION FOR ZONING VARIANCE	BEFORE THE
Intersection SW/S Reisterstown	
Road and NW/S Sherwood Road	DEPUTY ZONING COMMISSIONER
(1000 Reisterstown Road)	
3rd Election District	OF BALTIMORE COUNTY
2nd Councilmanic District	
	Case No. 88-229-A
Paul Goodman	
Petitioner...	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit four (4) off-street parking spaces in lieu of the required 42.

Donald Gorman, one of the Stockholders in Puffins, Inc., the Lessee, appeared and testified on behalf of himself and his wife, Renee Gorman, the other stockholder. Also testifying on behalf of the Petitioner were the following: John J. Dillon, Jr., Northwest Area Planner from the Baltimore County Office of Planning and Zoning; Kenneth Mills, Deputy Director of Baltimore County Revenue Authority; and Evelyn Burns, Executive Director of both the Pikesville Community Growth Corporation, hereinafter referred to as PCGC, and of the Pikesville Chamber of Commerce. There were no Protestants.

It should be noted that the Plat of the property marked as Petitioner's Exhibit 1 reflects, and testimony explained, that one structure covers the properties known as 1000, 1002 and 1004 Reisterstown Road, which have, respectively, 2,080 square feet of proposed restaurant space, 1,360 square feet of retail space, and 3,670 square feet of retail space. They require, respectively, 42, 7, and 19 parking spaces under the Baltimore County Zoning Regulations (B.C.Z.R.), for a total requirements of 131 spaces. However, the narrow issue presented concerns the property at 1000 Reisterstown Road to be utilized by Puffins, Inc., a restaurant previously located two blocks north of the subject property at the intersection of Reisterstown Road and Church Lane.

Howard J. Meade
Kenneth C. Martenson, Jr.
Robert L. Roubt

NEEDLE, MONTAGUE AND FRANK, P.A.
ATTORNEYS AT LAW
1100 HESTERTOWN ROAD
OWING MILLS, MARYLAND 21117
Tel. (410) 388-1771
Fax (410) 388-2388

October 14, 1993

Mr. Gabriel Rosenbush
Chairman
Zoning Committee
Pikesville Chamber of Commerce
7 Church Lane
Pikesville, MD 21208

Re: Petition for Zoning Variance for Puffins
1000-1/2 Reisterstown Road

Dear Gabe:

Many thanks for the courtesies extended to Don Gorman and myself at the meeting of the Zoning Committee of the Pikeville Chamber of Commerce the morning of October 11, 1993. Most importantly, thanks to the Zoning Committee and, presumably, the full Chamber of Commerce for supporting this Petition and for its testimony at the hearing scheduled for November 9, 1993.

In accordance with our discussion and the proposal made on behalf of Puffins, Puffins suggests that all of the property owners and merchants in the 1000 block of Pikestown Road and nearby should meet and discuss means of support for the cultural arts facility to be structured parking facility adjacent to the Theater. As those property owners and merchants will benefit from such a facility, they should, together with Puffins and the Pikeville Chamber of Commerce, look forward to working with Cultural Arts Foundation, Inc., the Pikeville Chamber of Commerce and the Greater Baltimore persons whose interests are the revitalization of the Theater and the Pikeville area. In particular, in order to secure adequate parking and other amenities, including signage, etc. to bring new life and vitality to the area.

Very truly yours,

~~Howard J. Needle~~

cc: Mr. Donald Gorman
Mr. Paul Goodman

**PETITIONER'S
EXHIBIT NO. 3**



GREATER
BALTIMORE
CULTURAL
ARTS
FOUNDATION, INC.

November 8, 1993

Mr. Lawrence Schmidt
Zoning Commissioner
Baltimore County
County Court House
Towson, MD 21204

RE: Case 94-137-A

Dear Mr. Schmidt:

Upon authority of the Board of Directors of the Greater Baltimore Cultural Arts Foundation, Inc., this letter addresses the official position of the Foundation in the above-mentioned case.

Because of the partnership relationship that the Greater Baltimore Cultural Arts Foundation, Inc. shares with the Pikesville Chamber of Commerce in the continuing process of revitalization of the Pikesville community, our Board has unanimously supported a motion to support the position of the Pikesville Chamber of Commerce.

Members of the foundation's Board of Directors have participated in the meetings of the Zoning Committee of the Pikesville Chamber of Commerce and has reviewed all the information supplied by the Petitioner.

Vital to the success of revitalization will be the continuing success of the businesses in the Pikesville area. The opening of the Pikes Theatre site as a performing arts center will have an impact on the parking situation in the Pikesville area, however we can only anticipate that this is at best a situation which will not occur for 30 months.

In recognizing the long-term parking needs of the greater Pikesville area, we are participating in a Parking Task Force created by Councilman Melvin Mintz and confident that the Task Force will create the initiatives which will resolve the present and long-term parking needs while at the same time supporting the continual growth of the present Pikesville businesses as well as those that will come in the future.

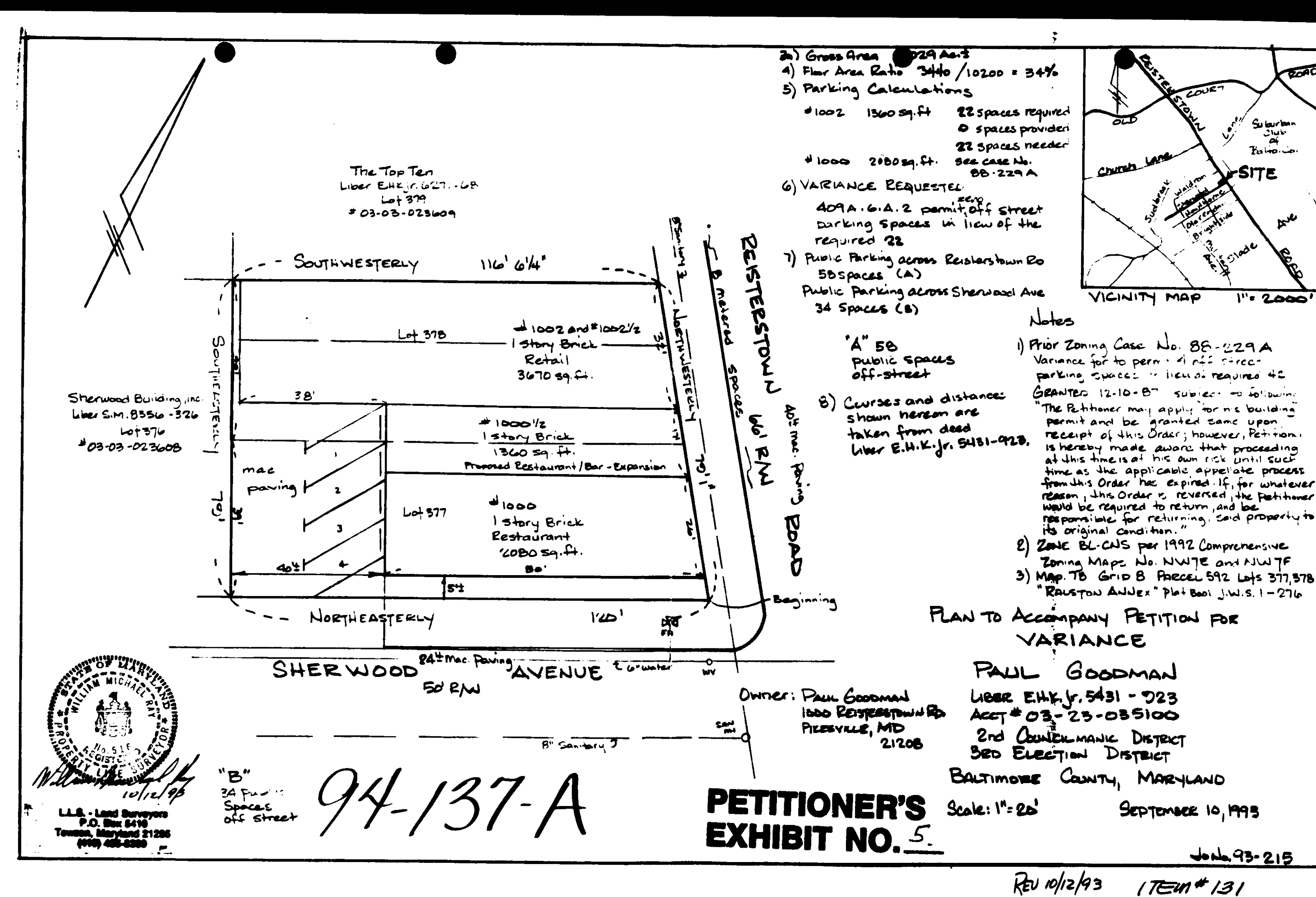
Very Early Hours

David Unfelder
President

PETITIONER'S
EXHIBIT NO. 4

DU/bbd
cc Howard Needle, Esq.
Sidney Friedman, President, Pikesville Chamber of Commerce

4 Reservoir Circle • Suite 200 • Baltimore, Maryland 21208 (410) 653-8787



NEEDLE, MONTAGUE AND FRANK, P.C.
ATTORNEYS AT LAW
11100 REISTERSTOWN ROAD
OWINGS MILLS, MARYLAND 21117
TEL (410) 263-1771
FAX (410) 263-2266

October 5, 1993

Mr. Marvin Morrison
President
Ralston Community Association
620 Military Avenue
Baltimore, MD 21208

Re: Petition for Zoning Variance for Puffins

Dear Marvin:

I represent the landlord and tenant of 1000 and 1002 Reisterstown Road in connection with their Petition for Zoning Variance for Parking as Puffins expands its operations. I am enclosing a copy of the Petition and attached plat, which were filed. The hearing on this Petition is scheduled for November 9, 1993 at 9:00 a.m. before the Zoning Commissioner in Towson.

The support and testimony on behalf of this Petition by the Ralston Community Association is solicited. If I can supply you with any further information, or make a presentation to a meeting of your Board of Directors or members, please let me know.

In any event, I would appreciate your call so that I may know the course of action being taken by the Ralston Community Association on this matter. Thanks for your anticipated assistance. Best personal regards.

Very truly yours,

Howard J. Needle

Enclosure

cc: Mr. Paul Goodman
Mr. Donald Gorman

PETITIONER'S
EXHIBIT NO. 7

PIKESVILLE
Community Growth Corp.

1401 Reisterstown Road Suite 208 Pikesville, MD 21208

Telephone
(410) 484-2310

November, 8, 1993

To the Zoning Commissioner of Baltimore County,

On Wednesday, November 3, 1993, the members of the Pikeville Community Growth Corporation voted to support the Puffins, Inc. petition (Case No. 94-137-A) for a variance to permit zero off-street parking spaces in lieu of the required 22 spaces and to amend the sight plan of previous Case No. 88-229A.

Marvin Morrison, President
Pikeville Community Growth Corporation

PETITIONER'S
EXHIBIT NO. 8

PETITIONER'S
EXHIBIT NO. 9

IN RE: PETITION FOR ZONING VARIANCE
SW/8 Reisterstown Road, 104.00'
NW of the C/I of Sherwood Road
(1004 Reisterstown Road)
2nd Election District
2nd Councilmanic District
The Top Ten
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-377-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit zero (0) off-street parking spaces in lieu of the required ninety-two (92) spaces, in accordance with Petitioner's Exhibit 1.

The Petitioner, The Top Ten, Legal Owner, by Sylvan Cornblatt, General Partner, and The Wilson Company, Contract Purchaser, by Nicholas C. Wilson, Partner, appeared, testified and were represented by David S. Seilman, Esquire. Also appearing on behalf of the Petition were Evelyn Burns, Executive Director of the Pikeville Community Growth Corporation, hereinafter referred to as PGC, Marvin Morrison, President of Ralston Community Association, Ken Mills, Director of the Baltimore County Revenue Authority, and Jack Dillon, Senior Planner with the Baltimore County Office of Planning and Zoning. There were no Protestants.

Testimony indicated that the subject property, known as 1004 Reisterstown Road, consists of 0.106 acres zoned B.L.-C.N.S. and is improved with a two story brick building which is currently vacant and covers all but a small portion of the entire square footage of the subject property. Said property is part of the area scheduled for revitalization under the Pikeville Revitalization Plan. Mr. Wilson testified that he has a contract to purchase the subject property from the Petitioner and is desirous of establishing a restaurant on the first floor of the existing

MICROFILMED

ORDER RECEIVED FOR FILING

Date 11/9/93 By [Signature]

